

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-01943-TSC**

COMMUNICATIONS WORKERS OF AMERICA v. U.S.
DEPARTMENT OF LABOR
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 06/28/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**COMMUNICATIONS WORKERS OF
AMERICA**

represented by **Adam R. Pulver**
PUBLIC CITIZEN LITIGATION
GROUP
1600 20th Street, NW
Washington, DC 20009
(202) 588-7790
Email: apulver@citizen.org
ATTORNEY TO BE NOTICED

Patrick D. Llewellyn
PUBLIC CITIZEN LITIGATION
GROUP
1600 20th Street, NW
Washington, DC 20009
(202) 588-7727
Fax: (202) 588-7795
Email: pllewellyn@citizen.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF LABOR

represented by **Derek S. Hammond**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2511
Fax: (202) 252-2599
Email: derek.hammond@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/28/2019	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF LABOR (Filing fee \$ 400 receipt number 0090-6221108) filed by COMMUNICATIONS WORKERS OF AMERICA. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons (U.S. Attorney), # <u>3</u> Summons (Attorney General), # <u>4</u> Summons (Agency))(Llewellyn, Patrick) (Attachment 1 replaced on 7/2/2019) (zeg). (Entered: 06/28/2019)
06/28/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by COMMUNICATIONS WORKERS OF AMERICA (Llewellyn, Patrick) (Entered: 06/28/2019)
06/28/2019	<u>3</u>	NOTICE of Appearance by Adam R. Pulver on behalf of COMMUNICATIONS WORKERS OF AMERICA (Pulver, Adam) (Main Document 3 replaced on 7/17/2019) (znmw). (Entered: 06/28/2019)

07/02/2019		Case Assigned to Judge Tanya S. Chutkan. (zeg) (Entered: 07/02/2019)
07/02/2019	<u>4</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF LABOR, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zeg) (Entered: 07/02/2019)
07/02/2019	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/2/2019. Answer due for ALL FEDERAL DEFENDANTS by 8/1/2019. (Llewellyn, Patrick) (Entered: 07/02/2019)
07/11/2019	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General July 8, 2019. (Llewellyn, Patrick) (Entered: 07/11/2019)
08/01/2019	<u>7</u>	NOTICE of Appearance by Derek S. Hammond on behalf of U.S. DEPARTMENT OF LABOR (Hammond, Derek) (Entered: 08/01/2019)
08/01/2019	<u>8</u>	ANSWER to Complaint by U.S. DEPARTMENT OF LABOR.(Hammond, Derek) (Entered: 08/01/2019)
08/26/2019		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues no later than 10/1/19. The joint status report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 8/26/19. (DJS) (Entered: 08/26/2019)
08/28/2019		Set/Reset Deadlines: Joint Status Report due by 10/1/2019. (tb) (Entered: 08/28/2019)
10/01/2019	<u>9</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Text of Proposed Order)(Hammond, Derek) (Entered: 10/01/2019)
10/17/2019		MINUTE ORDER: Having considered the parties' joint status report <u>9</u> , it is hereby ordered that the parties shall confer regarding Defendant U.S. Department of Labor's (DOL) search parameters for responsive records by October 9, 2019. DOL will complete its subsequent searches for responsive records and report the number of potentially responsive pages yielded by the searches to Plaintiff by November 1, 2019. DOL will make rolling monthly productions of responsive records identified by its subsequent searches, with a first production to occur by October 28, 2019 and for which DOL will process at least 500 pages of potentially responsive material. The parties will further confer about the appropriate processing rate in this case following DOL's provision of the estimated number of pages of responsive records to Plaintiff. DOL may include duplicate pages in its processing, but the court will reconsider its decision on this issue should the 500 page processing obligation result in review and production of an unreasonably small number of unique pages. The parties shall file a joint status report by November 8, 2019. In that joint status report, the parties will provide the estimated number of pages of responsive records identified by DOL's subsequent searches and a proposed production schedule. A proposed order shall accompany the joint status report. Signed by Judge Tanya S. Chutkan on 10/17/19. (DJS) (Entered: 10/17/2019)
10/18/2019		Set/Reset Deadlines: Joint Status Report due by 11/8/2019. (tb) (Entered: 10/18/2019)
11/08/2019	<u>10</u>	Joint STATUS REPORT by COMMUNICATIONS WORKERS OF AMERICA. (Attachments: # <u>1</u> Text of Proposed Order)(Llewellyn, Patrick) (Entered: 11/08/2019)